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BOOK REVIEWS

THE LAW OF ARCHITECTURE AND BUILDING: A CONSIDERATION OF THE MUTUAL RIGHTS, DUTIES AND LIABILITIES OF ARCHITECT, OWNER AND CONTRACTOR, WITH APPENDICES AND FORMS. By Clinton H. Blake, Jr. New York: The William T. Comstock Co. pp. xxxviii, 314.

The subtitle of this work better defines its purpose, since it treats of a relatively narrow field, as the respective rights, one against another, of the architect, contractor, and owner.

The reviewer's function is conceived, first, to enumerate informally the principal features, and then to comment fairly upon its avowed purpose, the methods of accomplishment or its failure to do so.

The book is divided into three principal parts:

I. The status of the architect toward the owner.

II. Relations of owner with contractor.

III. Liens.

In Part I, the principal chapters are: the "Architect as an Agent," which is well handled; the "Compensation of the Architect," — certainly a matter of vital interest to him and carefully covered; and the "Duties and Liabilities of the Architect." These are the most prominent chapters of the book, and receive from twenty to twenty-five pages each.

As between the owner and contractor, the general relation receives sixteen pages, with chief attention given to builder's compensation, architect's certificate, and damages. These seem reasonably well covered, but the requisites of a construction contract, seemingly a natural foundation to the whole book, receives but four pages. Another chapter, however, of seven articles, gives eleven pages to the terms and operation of the building contract. Here, the principle of arbitration, extras, suspension, liquidated damages, and right of owner to complete are the topics treated, apparently well in the main. The part devoted to liens comprises forty pages, and has greater thoroughness than any other single topic, covering in turn liens of architect, of contractor, and sub-contractor. The text proper closes with five pages of meaty advice to the architect upon legal difficulties, summarizing to a certain extent the foregoing topics of the book.

Nearly a hundred pages are then given to various appendices. The full opinions in certain cases are cited, and occupy thirty pages. The merit of this is not obvious, since the lawyer could readily read the original reports — while the layman would be about equally at sea after reading them as before. Being only four in number, the variety of points covered is very limited.

Thirty-four pages are given to Standard Documents, referring to the uniform or standard form of agreement and setting out in full the general conditions of an architectural contract as adopted by the American Institute of Architects. The reviewer feels that this is an especially valuable piece of material, but is not so sure that it properly belongs in a text purporting to declare the *law* covering the architect and builder. The same remarks apply to the Schedule of Minimum Charges, the next appendix. Twenty pages then set out various Legal Forms commonly useful in building operations. There is also a well-arranged index.

The success of writing is to be measured by its purpose. Here the purpose is said to be (1) to help architects keep out of legal troubles, and (2) to make a compilation of architectural law useful to attorneys. From the special introduction by an architect, the aim first stated seems to be the leading one. The author must then state technical matters in a non-technical way for the layman. Failing to write intelligently for him, then the layman must still go

to the attorney — the book has failed to serve him. He should have gone to the attorney in the first place.

From the viewpoint of several years' experience in trying to teach certain elementary legal principles to engineering students both correctly and promptly — an incident of which was the production of a textbook for that purpose — the reviewer doubts whether the author has as fully accomplished his first purpose as he doubtless has the second.

His book seems written by one trained in the "case system" of learning law. This method studies at first hand frequently elaborate and complex cases, often bringing in many extraneous facts and legal factors. After a strong diet of close cases, which have in fact taxed the minds of eminent jurists (and are chosen for that reason), the student is supposed to formulate the principles illustrated. In this strenuous task most students are hopeless failures — hunters afield not knowing what game they are in quest of.

Those not intellectual giants need first a clear-cut statement of legal principles or rules in the abstract, with some argument for the reason and necessity for such principles. These later are clothed by the narration of actual events, such as befell in a real case. This is the "textbook system" — an easier path to the heights of legal knowledge.

These facts probably explain why much material in this book is not in a form more readily comprehensible to the lay reader, such as an engineer or architect. The author rather commonly states his principle last, if at all, and then frequently not comprehensively. He gives numerous details of decided cases, but does not string them together upon a cord of reasons, narrative, or connected criticism, which, however, the layman must chiefly rely upon if he is to grasp them clearly and in proper perspective. Nor does he commonly explain technical legal phrases when used.

True, his legal friends will not need any of this, but the architects are probably not so fortunate. They will see something, but "as through a glass, darkly."

Similarly the style evidences another fact worthy of at least passing comment.

Lawyers perforce spend countless hours poring over the language of perhaps poorly educated and frequently centuries-dead jurists. If time *was* money, great judges gave no evidence of it in their ponderous and obscurely written opinions. Unfortunately for us, many modern lawyers succumb to this pernicious influence, tending toward involved and obscure expression. The lawyer becomes immune to this style, yet indeed *his* readers must suffer later. So here, sentences close to two hundred words in length are not uncommon, but they do *not* assist the layman to follow the thought — in fact they frequently obscure it, and the ideas are easily lost sight of before the end is reached.

In conclusion: The author has made a praiseworthy effort. It might have been more fruitful if in harmony with the criticisms made. On the whole, attorneys will probably find it of greater usefulness than practicing architects.

JAMES IRWIN TUCKER.

THE PRINCIPLES OF EQUITY. By Edmund H. T. Snell. London: Stevens and Haynes Law Publishers. 1915. pp. xli, 579.

It is unfortunate that this admirable treatise on equity jurisprudence, now in its seventeenth edition, is not better known to American students and practitioners of law. Although strictly an English textbook in that only English cases are cited, the cases are well selected and carefully confined to those decisions in which the great principles of equity jurisprudence have been developed and enlarged. The expression is clear and direct, showing the accuracy of